

### **REMARKS**

Claims 1-26 are now pending in the application. Claims 1, 3, 5, 7-17, 19, 21-23, 25 and 26 are amended herein. Claims 2 and 18 are cancelled herein. No new matter is added. The Examiner is respectfully thanked for the Telephonic Interview of October 5, 2005. During the Interview, no exhibits were presented nor demonstrations conducted. Claims 9 and 13 were discussed relative to the Office Action. Specifically, in Item No. 8 claims 9 and 13 are stated as being rejected while in Item No. 10 claims 9 and 13 were shown as being allowable if rewritten. The Examiner clarified that claims 9 and 13 currently stand rejected as indicated in Item No. 8 and that Item No. 10 relative to claims 9 and 13 should be ignored. It should be appreciated that the term "roof panel" and "roof panel assembly" as used herein and consistent with the specification and drawings can include extensions or arms (integral or attached) that are fixed to the roof panel and extend therefrom. Such extensions or arms do not move relative to their respective panel or panel assembly. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **DRAWINGS**

In the accompanying Replacement Sheet of Drawings showing Figure 2, the reference indicia for the leading edge of the rearmost roof panel 44 has been changed from 62 to 68. Support for such a change can be found at least within paragraph [0020] wherein the leading edge is indicated as corresponding to 68. It is believed that with the change to Figure 2, the objection to paragraph [0020] of the specification is now rendered moot. Accordingly, approval of the new drawing and withdrawal of the objection to paragraph [0020] is requested.

#### **OBJECTION TO CLAIM**

Claim 23 stands objected to. Claim 23 is amended herein. It is believed that the amendment to claim 23 renders the objection moot. Therefore, reconsideration and withdrawal of the instant objection are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 7, 9-13 and 19-26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Notwithstanding, claims 7, 9-11, 13, 19, 21-23 and 25-26 are amended herein. It is believed that the amendment to these claims renders the instant rejections moot. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, 5-8, 14-16 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rothe et al. (U.S. Pat. No. 6,336,673). This rejection is respectfully traversed.

Claim 1 is amended herein to include the subject matter of claim 2. As such, claim 1 calls for "a forwardmost two of said roof panels are directly pivotally connected together." In contrast, the Rothe et al. reference discloses a forwardmost two roof panels 6, 7 that are not directly pivotally connected together. Rather, the forwardmost two roof panels 6, 7 are coupled to one another via movable link 25 at pivots 21, 23. Thus, the forwardmost two roof panels 6, 7 are not directly pivotally connected together as called for. Accordingly, it is respectfully submitted that claim 1 is patentable over the prior art of record. Claim 7 depends from claim 1 and, therefore, for at least the same reason stated above with reference to claim 1 is also patentable over the prior art of record. Thus, withdrawal of the instant rejection is requested.

Claim 5 is amended herein to be in independent form and includes the subject matter of claim 1 along with additional subject matter. Claim 5 calls for "said forwardmost roof panel is pivotally connected to said brackets with a single pair of movable links with each link directly coupled to said forwardmost roof panel and to said brackets." In contrast, the Rothe et al. reference discloses the forwardmost roof panel 6 pivotally connected to bracket 2 through two links 25, 17. Specifically, forwardmost roof panel 6 is pivotally connected to movable link 25 at pivot 21 which in turn is pivotally connected to movable link 17 at pivot 26 which in turn is pivotally connected to bracket 2 at pivot 14a. Thus, the Rothe et al. reference discloses the use of two links for each side of forwardmost roof panel 6 to pivotally couple the forwardmost roof panel 6 to the

bracket 2. This is in direct contrast to the subject matter called for in claim 5. Thus, for at least this reason it is respectfully submitted that claim 5 is patentable over the prior art of record. Claim 6 depends from claim 5 and, therefore, for at least the same reasons stated above with reference to claim 5 is also patentable over the prior art of record. Accordingly, withdrawal of the instant rejection is requested.

Claim 8 is amended herein to be in independent form and includes the subject matter of claim 1. As such, claim 8 calls for "said actuator drives a link connecting a rearwardmost two of said roof panels." In contrast, the actuator 33 in the Rothe et al. reference is connected to and drives intermediate roof section 7. Specifically, link 18 is fixedly secured to roof section 7 such that they move in unison and form a single assembly. Actuator 33 is connected to link 18 and, thus, roof section 7. Thus, actuator 33 is connected to and drives roof section 7. Additionally, link 18 is not connected to the rearmost roof section 8. Rather, a moveable link 16 interconnects link 18 and extension 30 of rearmost roof panel 8. Thus, for at least these reasons it is respectfully submitted that claim 8 is patentable over the prior art of record and withdrawal of the instant rejection is requested.

Claim 14 is amended herein and calls for "two of said roof panels are directly pivotally connected together and an interior surface of a rearmost one of said roof panels faces a majority of an exterior surface of a different one of said roof panels when said roof panels are in said stowed position." In contrast, the Rothe et al. reference does not disclose any of the roof panels 6, 7, 8 being directly pivotally connected together. Rather, as stated above, first and second roof sections 6, 7 are interconnected via a movable link 25. Moreover, roof sections 7, 8 are interconnected

via a movable link 16. Thus, none of the roof panels 6, 7 and 8 of the Rothe et al. reference are directly pivotally connected together. For at least this reason it is respectfully submitted that claim 14 is patentable and withdrawal of the instant rejection is requested. Claims 15 and 16 depend from claim 14 and, therefore, for at least the same reasons stated above with reference to claim 14 are also patentable. Thus, withdrawal of the instant rejection is requested.

Claim 18 is cancelled herein. Accordingly, the rejection of claim 18 is now moot. As such, withdrawal of the instant rejection is requested.

Claims 14-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Guillez et al. (U.S. Pat. No. 6,830,284). This rejection is respectfully traversed.

Claim 14 calls for "an interior surface of a rearmost one of said roof panels faces a majority of an exterior surface of a different one of said roof panels when said roof panels are in said stowed position." In contrast, the Guillez et al. reference discloses a rearmost roof panel 3 having an interior that faces away from the other two roof panels 1, 2 when in the stowed position. See at least Figure 3 of the Guillez et al. reference. Thus, for at least this reason it is respectfully submitted that claim 14 is patentable over the Guillez et al. reference. Claim 17 depends from claim 14 and, therefore, for at least the same reasons stated above with reference to claim 14 is also patentable over the Guillez et al. reference. Thus, withdrawal of the instant rejection is requested.

Claims 9 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Obendiek (U.S. Pat. Pub. No. 2002/0185886). This rejection is respectfully traversed.

Claim 9 calls for "a rearmost two roof panel assemblies each being directly pivotally connected to fixed locations relative to the vehicle." In contrast, the Obendiek

reference discloses the intermediate roof panel 5 (the forward one of the two rearmost roof panel assemblies) being pivotally coupled to a fixed location relative to the vehicle via a movable link 32. See at least Figures 2 and 3 of the Obendiek reference. The use of movable link 32 to pivotally couple roof panel 5 to a fixed location relative to the vehicle is not the same as having the roof panel assemblies directly pivotally connected to a fixed location relative to the vehicle as called for. Thus, for at least this reason it is respectfully submitted that claim 9 is patentable over the Obendiek reference. Claim 13 depends from claim 9 and, therefore, for at least the same reason as stated above with reference to claim 9 is also patentable over the Obendiek reference. Thus, withdrawal of the instant rejection is requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claim 3 would be allowable if rewritten in independent form. Claim 3 is amended herein to be in independent form and includes the subject matter of claim 1. Claim 3, however, does not include the subject matter of claim 2 (an intervening claim) because it is respectfully submitted that the subject matter of claim 2 is not required for claim 3 to define patentable subject matter. Accordingly, the Examiner is respectfully requested to examine independent claim 3 and confirm Applicant's belief that the claim, as amended, defines patentable subject matter and to allow claim 3.

The Examiner also states that claims 9-13 and 19-26 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office Action. Applicant respectfully thanks the Examiner for the indication of the

allowability of these claims if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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### **AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet" of drawings includes changes to Figure 2.

The attached "Replacement Sheet," which includes Figure 2, replaces the original sheet including Figure 2.

Attachment: Replacement Sheet